

WC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

JUL -7 AM 9:47

UNITED STATES OF AMERICA,
Plaintiff

vs.

Oscar Efren SANDOVAL-Lopez
Defendant.

Magistrate's Case Number:

BY:

DEPUTY

'08 MJ 2042

ECU

COMPLAINT FOR VIOLATION OF:

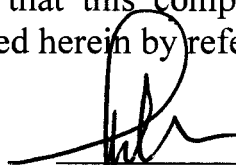
Title 21, United States Code
Section(s) 952 and 960-
Importation of a Controlled Substance
(Felony):

The undersigned complainant being duly sworn states:

COUNT ONE


That on or about July 2, 2008, within the Southern District of California, defendant Oscar Efren SANDOVAL-Lopez did knowingly and intentionally import approximately 731.28 pounds (332.40 kilograms) of marijuana, a schedule I controlled substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Sworn to before me and subscribed in my presence this 7th day of July, 2008.



UNITED STATES MAGISTRATE JUDGE

United States of America

vs.

Oscar Efren SANDOVAL-Lopez

{STATEMENT OF FACTS}

I, Special Agent Timothy Meadows, declare under penalty of perjury, the following is true and correct.

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On July 2, 2008, at approximately 3:49 P.M., Oscar Efren SANDOVAL-Lopez applied for entry into the United States from Mexico at the Otay Mesa Commercial Port of Entry. SANDOVAL-Lopez was the operator of a 1999 Freightliner semi-tractor bearing California license plates 9E17480 in combination with a 1990 refrigeration trailer bearing California license plates 4GT6501. SANDOVAL-Lopez presented a Laser B-1/B-2 Visa Border Crosser Card and Mexican Driver's License to U.S. Customs and Border Protection Officer (CBPO) Jackson. CBPO Jackson in the Spanish language asked for and received a Customs declaration. SANDOVAL-Lopez told CBPO Jackson he was bringing in produce. CBPO Jackson queried the tractor to ensure it had been x-rayed within the last thirty days. CBPO Jackson found the tractor had been x-rayed on June 3, 2008, but had a different driver. CBPO Jackson sent SANDOVAL-Lopez and the tractor-trailer combination to x-ray for inspection.

At approximately 4:25 P.M., SANDOVAL-Lopez presented himself and the tractor-trailer to CBPO Reyes for x-ray examination. CBPO Reyes scanned the vehicle and observed irregular objects in the cab area of the tractor. CBPO Reyes approached the tractor and observed SANDOVAL-Lopez seated in the waiting area, watching him as he walked around the vehicle. CBPO Reyes entered the tractor cab sleep area. CBPO Reyes lifted the blankets covering the mattress and observed black taped objects under the mattress. As CBPO Reyes returned to the inspection booth he observed SANDOVAL-Lopez standing next to the booth with his arms crossed and avoiding eye contact with CBPO Reyes. CBPO Reyes performed an immediate pat down of SANDOVAL-Lopez and handcuffed him. CBPO Reyes then escorted SANDOVAL-Lopez to the security office where CBPO Louis conducted a full pat down and notified the Supervisor of the contraband.

The tractor-trailer was taken to the intensive inspection dock for an intensive search. At approximately 4:30 P.M., CBPO Herrera conducted an inspection of the tractor in the area of interest. CBPO Herrera found large packages underneath the bed area and blankets within the sleeper area of the tractor. CBPO Herrera probed a random package

and pulled out a green leafy substance. CBPO Herrera utilized a 908 Duguenios-Levine reagent test kit to conduct a field test of the green leafy substance removed from the packages, which tested positive for the properties of marijuana.

At approximately 5:00 P.M., CBPO Herrera contacted Immigration and Customs Enforcement (ICE) duty agents of the marijuana seizure. ICE agents responded to the commercial port of entry (POE) at approximately 5:20 P.M.

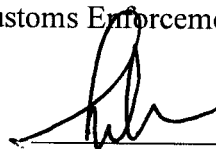
At approximately 6:00 P.M., ICE Senior Special Agents (SS/A) Timothy Meadows and Manny Martinez removed SANDOVAL-Lopez from the holding cell and went into the pat down office. At approximately 6:03 P.M., SS/A Martinez provided SANDOVAL-Lopez with a pre-printed form in the Spanish language containing the Miranda rights. SS/A Martinez read the Miranda warnings to SANDOVAL-Lopez in Spanish. SANDOVAL-Lopez agreed to talk to agents and waived his Miranda rights and signed the pre-printed form. SANDOVAL-Lopez declined to have the Mexican Consulate notified of his arrest.

At approximately 6:07 P.M., SS/A Meadows asked questions of SANDOVAL-Lopez and SS/A Martinez translated them into Spanish, and then informed SS/A Meadows of the answer SANDOVAL-Lopez provided. SANDOVAL-Lopez was asked what was he smuggling into the United States. SANDOVAL-Lopez replied marijuana. SANDOVAL-Lopez further stated it was in plain sight in the sleeper cab of the tractor. SANDOVAL-Lopez was asked how much he was to be paid to smuggle the marijuana. SANDOVAL-Lopez said he was to be paid ten thousand (10,000) dollars, United States currency for the load. SANDOVAL-Lopez was asked how much marijuana was in the tractor. SANDOVAL-Lopez said he thought it was two hundred (200) kilograms SANDOVAL-Lopez was asked where was he instructed to deliver the marijuana. SANDOVAL-Lopez said he was to park the tractor-trailer on Seimpre Viva in Otay Mesa, California and leave it.

SANDOVAL-Lopez was arrested for violating Title 21, United States Code, Sections 952 & 960-Importation of a controlled substance and Possession of a controlled substance. He was processed and booked into the Metropolitan Correctional Center, San Diego, California, pending judicial proceedings.

Executed on July 3, 2008 at 1530 hours

Immigration and Customs Enforcement



Senior Special Agent Timothy Meadows
Immigration and Customs Enforcement

On the basis of the facts presented in the probable cause statement consisting of three pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 2, 2008 in violation of Title 21, United States Code, Section(s) 952, 960.

W. Melvin
United States Magistrate Judge

7/3/08, 1653hrs at the
Date/Time 0925hrs